

Message Text

CONFIDENTIAL

PAGE 01 MANAGU 01560 01 OF 02 060914Z
ACTION ARA-14

INFO OCT-01 ISO-00 SCS-06 H-01 HA-05 L-03 NSCE-00
SS-15 SSO-00 /045 W
-----012230 060918Z /10/70
O 042231Z APR 78 ZFF4
FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC NIACT IMMEDIATE 6212

C O N F I D E N T I A L SECTION 1 OF 2 MANAGUA 1560

C O R R E C T E D C O P Y (TEXT - PARA 2)

PASS ARA/CEN WELTER

E.O. 11652: GDS
TAGS: CARR, PINT, SHUM, NU
SUBJECT: CHARITON RETURNED TO GON CUSTODY

REF: (A) STATE 85772; (B) MANAGUA 1537; (C) STATE 83809; (D) MANAGUA
1525 AND PREVIOUS

SUMMARY: AMBASSADOR ARRANGED WITH PRESIDENT SOMOZA FOR CHRITON TO BE TURNED OVER TO NICARAGUNA CUSTODY THIS MORNING. AMBASSADOR INFORMED CHARITON THAT EMBASSY WAS ACTING UNDER INSTRUCTION AND INVITED CHARITON TO LEAVE THE EMBASSY VOLUNTARILY. CHARITON REFUSED TO DO SO AND PHYSICALLY RESISTED EFFORTS TO EJECT HIM. EMBASSY EMPLOYED MINIMAL FORCE NEEDED TO EJECT HIM FROM PREMISES; LGCAL AUTHORITIES IMMEDIATELY TOOK HIM INTO CUSTODY AND DROVE HIM TO MILITARY HOSPITAL. HE RECEIVED PRELIMINARY MEDICAL EXAMINATION UPON ARRIVAL AT HOSPITAL AND EMBOFFS GOT RENEWED ASSURANCES FROM HOSPITAL PERSONNEL THAT HE WOULD RECEIVE ADEQUATE MEDICAL ATTENTION AND WOULD NOT BE MISTREATED THERE. EMBASSY NOTIFIED CHARITON'S LAWYER OF THIS. CHRITON AND HIS ATTORNEYS WILL PROBABLY SEEK TO BESMIRCH EMBASSY FOR HAVING FORCEABLY HANDED HIM OVER TO GON AUTHORITIES. PRESIDENT SOMOZA TOLD PRESS CONFERENCE TODAY THAT CHARITON IS BACK IN GON CUSTODY. END SUMMARY.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANAGU 01560 01 OF 02 060914Z

1. IN COMPLIANCE WITH REF A INSTRUCTIONS TO ARRANGE FOR ARTHUR CHARITON'S RETURN TO GON CUSTODY AS SOON AS POSSIBLE, AMBASSADOR INFORMED PRESIDENT SOMOZA THIS MORNING (APRIL 4) THAT SUCH INSTRUCTIONS HAD BEEN RECEIVED. ARRANGEMENTS WERE THEN MADE TO HAVE CHARITON TURNED OVER TO NICARAGUAN AUTHORITIES AT THE EMBASSY GATE SHORTLY AFTER 10:30 A.M. LOCAL, THIS MORNING.

2. ONE THOSE ARRANGEMENTS HAD BEEN MADE, AMBASSADOR INVITED CHARITON INTO HIS OFFICE AND READ TO HIM THE FOLLOWING:

"MR. ARTHUR HARRY CHARITON, I WISH TO REMIND YOU THAT YOU HAVE BEEN TOLD IN THE PAST BY OFFICERS OF THIS EMBASSY THAT YOU SHOULD NOT SEEK TO ESCAPE FROM CUSTODY AND THAT IF YOU DID SO, YOU COULD NOT EXPECT TO RECEIVE ASYLUM IN THIS EMBASSY.

"YOU IGNORED THAT ADVICE AND CAME TO THE EMBASSY, HAVING ESCAPED FROM THE CUSTODY OF NICARAGUAN AUTHORITIES TWO WEEKS AGO.

"YOU HAVE BEEN TOLD REPEATEDLY SINCE YOUR ARRIVAL AT THE EMBASSY THAT YOU COULD NOT STAY HERE INDEFINITELY AND THAT YOU WOULD HAVE TO LEAVE THE EMBASSY.

"THE DEPARTMENT OF STATE HAS INSTRUCTED THE EMBASSY TO ARRANGE FOR YOUR RETURN TO NICARAGUAN GOVERNMENT CUSTODY AS SOON AS POSSIBLE.

"THE HIGHEST LEVEL OF THE NICARAGUAN GOVERNMENT HAS ASSURED ME THAT YOU WILL NOT BE MISTREATED, THAT YOU WILL BE RETURNED TO THE MILITARY HOSPITAL AND THAT YOU CAN REMAIN THERE SO LONG AS YOUR MEDICAL CONDITION WARRANTS.

"I REQUEST ASK YOU TO LEAVE THE EMBASSY VOLUNTARILY TO RETURN TO NICARAGUAN CUSTODY."

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANAGU 01560 01 OF 02 060914Z

3. MR. CHARITON THEREUPON INDICATED THAT HE WOULD NOT LEAVE THE EMBASSY VOLUNTARILY. THE AMBASSADOR THEN READ TO HIM THE FOLLOWING:

"IF YOU REFUSE TO GO NOW VOLUNTARILY, I WILL BE FORCED TO HAVE YOU REMOVED FROM THE EMBASSY PHYSICALLY AND TURNED OVER TO NICARAGUAN AUTHORITIES IMMEDIATELY. ANY EFFECTS THAT YOU HAVE LEFT BEHIND IN THE EMBASSY WILL BE SENT TO YOU AT THE MILITARY HOSPITAL.

"WE ARE NOTIFYING YOUR ATTORNEY OF THIS ACTION. YOU WILL CONTINUE TO HAVE ACCESS TO CONSULAR PROTECTION AS APPROPRIATE. WE MAKE NO JUDGMENT AS TO YOUR GUILT OR INNOCENCE OF THE CHARGES PENDING AGAINST YOU."

4. CHARITON PROTESTED FURTHER THAT HE WOULD NOT GO, DEMANDED TO SEE HIS ATTORNEY AND SAID HE WOULD PHYSICALLY RESIST EJECTION FROM THE EMBASSY. HE WAS AGAIN TOLD THAT HIS LAWYER WOULD BE INFORMED AND THAT HE HAD TO LEAVE THE EMBASSY IMMEDIATELY. EMBASSY PERSONNEL USED THE MINIMUM FORCE NECESSARY TO REMOVE A VIOLENTLY STRUGGLING CHARITON TO THE EDGE OF THE EMBASSY'S PROPERTY WHERE NICARAGUAN AUTHORITIES TOOK HIM INTO CUSTODY. THESE AUTHORITIES TOOK CHARITON DIRECTLY TO MANAGUA'S MILITARY HOSPITAL.

5. EMBOFFS FOLLOWED CHARITON TO THE MILITARY HOSPITAL AND SAW HIM RECEIVE PRELIMINARY MEDICAL EXAMINATION BY HOSPITAL PERSONNEL.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 MANAGU 01560 02 OF 02 042340Z
ACTION ARA-14

INFO OCT-01 ISO-00 SCS-06 H-01 HA-05 L-03 NSCE-00
SS-15 SSO-00 /045 W

-----111871 050000Z /70

O 042231Z APR 78 ZFF4

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC NIACT IMMEDIATE 6213

C O N F I D E N T I A L SECTION 2 OF 2 MANAGUA 1560

6. WHEN EMBOFF TOLD COLONEL CASTELLO, HOSPITAL COMMANDER, THAT PRESIDENT SOMOZA HAD ASSURED US THAT MR. CHARITON WOULD NOT BE MISTREATED, CASTELLON REPLIED THAT "HE WILL NOT BE MISTREATED HERE." DR. ALEXANDRO LARA MANNING, MEDICAL DIRECTOR OF HOSPITAL, ASSURED EMBOFFS THAT CHARITON WILL RECEIVE PROPER MEDICAL ATTENTION AND THAT STEPS WILL BE TAKEN TO ASSURE THAT CHARITON DOES NOT TRY TO COMMIT SUICIDE. HE SAID THAT INTERNISTS DR. ALAN HUECK PLATA AND DR. LOPEZ SOLORZANO (WHO HAD TREATED CHARITON EARLIER) AND CARDIOLOGIST DR. OSWALDO BLANDON WILL BE EXAMING CHARITON.

7. EMBASSY MEANWHILE CONTACTED CHARITON'S LOCAL ATTORNEY, DR. IGNACIO ZELAYA PAIZ, WHO CAME TO EMBASSY. AMBASSADOR INFORMED ZELAYA THAT EMBASSY HAD RECEIVED INSTRUCTIONS FROM WASHINGTON TO TURN CHARITON OVER TO NICARAGUAN AUTHORITIES, THAT CHARITON WAS ALREADY IN MILITARY HOSPITAL, AND THAT CHARITON WISHED TO SEE ZELAYA. ZELAYA PROTESTED THE EMBASSY'S ACTION AND VOICED SEVERE CRITICISMS OF THE SOMOZA REGIME. HE ADDED THAT HIS CLIENT WAS INNOCENT AND COULD NOT HOPE TO RECEIVE JUSTICE IN THIS CORRUPT SOCIETY. AMBASSADOR REPEATED TO ZELAYA THE GIST OF WHAT HE HAD TOLD CHARITON EARLIER, AND ASSURED HIM THAT THE EMBASSY WILL MAINTAIN ITS INTEREST IN CHARITON'S WELFARE.

8. CHARITON HAD EARLIER TOLD US THAT HE HAD GIVEN A LETTER TO ZELAYA WHICH THE LATTER COULD RELEASE TO THE MEDIA IN THE EVENT THE EMBASSY EJECTED CHARITON. CHARITON FURTHER INDICATED THAT THE LETTER WAS SEVERELY CRITICAL OF THE EMBASSY AND ITS STAFF, FROM THE AMBAS-

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANAGU 01560 02 OF 02 042340Z

SADOR ON DOWN. (COMMENT: WE HAVE REASON TO BELIEVE THAT
CHARITON AND HIS ATTORNEYS MIGHT CARRY THROUGH WITH THIS THREAT.)

9. AT MID-DAY PRESS CONFERENCE TODAY, PRESIDENT SOMOZA WAS ASKED
ABOUT CHARITON'S ALLEGED ASYLUM IN U.S. EMBASY IN ABSENCE OF ANY
INTERNATIONAL AGREEMENT WITH THE USA COVERING SUCH ASYLUM. SOMOZA
REPLIED THAT HE WAS PLEASED TO ANNOUNCE THAT MR. CHARITON WAS BACK
IN GON CUSTODY.
SOLAUN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL ASYLUM, EXTRADITION, COURT PROCEEDINGS, EMBASSIES, FUGITIVES
Control Number: n/a
Copy: SINGLE
Draft Date: 04 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MANAGU01560
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780166-0193, D780146-0057
Format: TEL
From: MANAGUA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780496/aaaaddda.tel
Line Count: 183
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d0b009b7-c288-dd11-92da-001cc4696bcc
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 85772, 78 MANAGUA 1537, 78 STATE 83809
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 21 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3083398
Secure: OPEN
Status: NATIVE
Subject: CHARITON RETURNED TO GON CUSTODY
TAGS: CARR, PINT, SHUM, NU, US, (CHARITON, ARTHUR HARRY)
To: STATE
Type: TE
vdkgvwkey: odbs://SAS/SAS.dbo.SAS_Docs/d0b009b7-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014